

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MOSES T. BILITY, *PhD*,

Plaintiff,

v.

UNIVERSITY OF PITTSBURGH, DEAN  
DONALD BURKE, and DEAN MAUREEN  
LICHTVELD,

Defendants.

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**2:23-CV-770**

**JUDGE MARILYN J. HORAN**

**ORDER**

AND NOW this 18th day of March 2023, upon consideration of Defendants' Motion to Dismiss Dr. Bility's Second Amended Complaint, and the parties' related briefs, it is hereby ORDERED that such motion is GRANTED in part and DENIED in part.

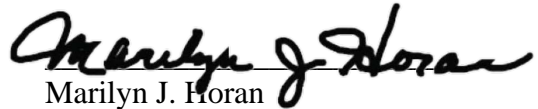
Defendants' Motion to Dismiss is granted, with no leave to amend, as follows:

- Dr. Bility's Title VII claims against the University for hostile work environment, disparate treatment, and discrimination based upon his race, at Count I of the Second Amended Complaint;
- Dr. Bility's Title VII retaliation claim against the University as to retaliatory acts (1)-(3), at Count II of the Second Amended Complaint;
- Dr. Bility's § 1983 Equal Protection Clause claims against Drs. Burke and Lichtveld, at Count III of the Second Amended Complaint; and
- Dr. Bility's § 1981 claims against all Defendants, at Count IV of the Second Amended Complaint.

Defendants' Motion to Dismiss Dr. Bility's Count II retaliation claim against the University, as regards his claim, that the University denied him tenure in retaliation for his filing

of the present action, is denied. Defendants shall file an Answer to this claim by April 1, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Marilyn J. Horan". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Marilyn J. Horan  
United States District Judge